

# **AREA PLAN COMMISSION OF TIPPECANOE COUNTY MINUTES OF A PUBLIC HEARING**

DATE .....April 16, 2003  
 TIME.....7:00 P.M.  
 PLACE .....County Office Building  
                                   20 N. 3<sup>RD</sup> Street  
                                   Lafayette, IN 47901

## **MEMBERS PRESENT**

Jack Rhoda  
 Jan Mills  
 KD Benson  
 Jeff Kessler  
 Gary Schroeder  
 Steve Schreckengast  
 David Williams  
 Kathy Vernon  
 John Knochel  
 Karl Rutherford  
 Mark Hermodson  
 Stuart Boehning

## **MEMBERS ABSENT**

Laura Peterson  
 Ashley Stevenson  
 James Miller

## **STAFF PRESENT**

James Hawley  
 Sallie Fahey  
 Margy Deverall  
 Krista Trout  
 Jay Seeger, Atty  
 Michelle D'Andrea

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 16<sup>th</sup> day of April 2003, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jack Rhoda called the meeting to order.

## **I. BRIEFING SESSION**

James Hawley informed the Commission that **Z-2111—R. GREGG SUTTER (A TO RE) (Gray Mare South Subdivision)** was withdrawn by letter and no further action is necessary. He stated that **Z-2120—MATT SUTTER (GB TO CB)** must be continued to the May 21, 2003 meeting because the Area Plan Commission was not notified as an interested party. He said that **S-3303—NORFOLK CROSSING SUBDIVISION (MAJOR-PRELIMINARY)** needed to be continued to the May 21, 2003 meeting because a variance was not requested to permit the nonstandard "T" turnaround for the Weaver Street extension. He stated that **S-3304—STOLZ SECOND MINOR SUBDIVISION (MINOR-SKETCH)** should be continued to the May 7, 2003 Executive Committee meeting as well as **S-3290—RED HAWK RIDGE SUBDIVISION (MINOR-SKETCH)**.

## **II. APPROVAL OF MINUTES**

Jeff Kessler moved to approve the minutes of the March 19, 2003 public hearing. KD Benson seconded and the motion carried by voice vote.

## **III. NEW BUSINESS**

James Hawley stated that the surveyor for **S-3304—STOLZ SECOND MINOR SUBDIVISION (MINOR-SKETCH)** has requested to be heard at the May 21<sup>st</sup> APC meeting, not at the May 7<sup>th</sup> Executive meeting as previously stated.

## **IV. PUBLIC HEARING**

Jack Rhoda read the meeting procedures. He welcomed Professor Jon Fricker's Introduction to Urban Planning class from Purdue, to the meeting.

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Kathy Vernon seconded and the motion carried by voice vote.

A. ORDINANCE AMENDMENTS

1. **UZO AMENDMENT #36:** To allow excavating and building contractors with a special exception in A, AW, and AA zones and require special setbacks and buffering requirements for these businesses when abutting residential uses.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read the staff report with recommendation of approval. She mentioned that there is an omission of the term "right-of-way" in section 4-4 of the ordinance. She stated that would have to be amended on the floor to add that word.

Jeff Kessler moved to amend the ordinance as presented under section 4-4 to include the term "right-of-way". Kathy Vernon seconded and the motion carried by voice vote.

Jan Mills reiterated that the Ordinance Committee spent several months discussing this topic and finally came to the consensus as presented in the amendment.

The Commission voted by ballot 12 yes – 0 no to recommend approval of **UZO AMENDMENT #36.**

B. REZONING ACTIVITIES

Jeff Kessler moved to continue **Z-2120—MATT SUTTER (GB TO CB), S-3303—NORFOLK CROSSING SUBDIVISION (MAJOR-PRELIMINARY) and S-3304—STOLZ SECOND MINOR SUBDIVISION (MINOR-SKETCH)** to the May 21, 2003 regular APC meeting at 7:00 pm. Kathy Vernon seconded and the motion passed by voice vote.

Jeff Kessler moved to continue **S-3290—RED HAWK RIDGE SUBDIVISION (MINOR-SKETCH)** to the May 7, 2003 Executive Committee meeting at 4:30 pm. Kathy Vernon seconded and the motion passed by voice vote.

1. **Z-2113—WILLIAM J. ABBOTT (I3 TO I2):** Petitioner is requesting rezoning of 0.944 acres located on the west side of Concord Road just south of Brady Lane, Lafayette, Wea 3 (SW) 22-4. CONTINUED FROM THE MARCH MEETING BECAUSE THE LAFAYETTE LEADER FAILED TO PUBLISH THE LEGAL AD.

Jeff Kessler moved to hear and approve the above-described requests. Kathy Vernon seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

She read into the record a letter dated March 12, 2003 from Midland Meals, which stated they had no objection to this change in zoning request.

James Hawley presented slides of the zoning map and aerial photo.

Dan Teder, PO Box 280, Lafayette, IN, representing the petitioner, stated that the petitioner is currently operating an auto body shop on Farabee Drive and would like to build and move to the above stated location. He mentioned that not only is staff recommending approval, but the City of Lafayette and this Commission have previously approved similar requests on Concord Road in the last 2 years. He pointed out that I3 to I2 allows less intensive uses and there is no outside storage permitted. He stated that there is no objection from any of the surrounding property owners. He concurred with the staff report and asked for approval.

The Commission voted by ballot 12 yes – 0 no to recommend approval of **Z-2113—WILLIAM J. ABBOTT (I3 TO I2)** to the Lafayette City Council.

2. **Z-2115—G & L DEVELOPMENT c/o MARIANNE MITTEN OWEN (OR TO R1):** Petitioner is requesting rezoning of a 31.48 acre tract located northeast of the railroad tracks northeast of Lindberg and Klondike Roads (west of Wake Robin Estates Subdivision), Wabash 11 (SW) 23-5. CONTINUED FROM THE MARCH MEETING BECAUSE OF A SIGN POSTING DEFICIENCY.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

James Hawley presented slides of the zoning map, aerial photo, and site map.

Marianne Owen, Stuart & Branigin, 300 Main Street, Suite 800, Lafayette, IN, stated that the staff report covers the request very well. She informed the Commission that the utilities were in place. She said that the natural progression for the development of this land is fitting for a residential subdivision and not for an OR designation. She stated that Brian Keene from G & L Development was also present to answer any questions.

KD Benson asked if the existing Wake Robin Subdivision wrapped around to the north of this area.

James Hawley stated that the area to the north was neither Wake Robin nor CopperBeech, but owned by a third party and zoned R1.

KD Benson asked if there were houses in that area.

James Hawley replied no, it is vacant land.

Marianne Owen clarified that Wake Robin was to the east side.

The Commission voted by ballot 12 yes – 0 no to recommend approval of **Z-2115—G & L DEVELOPMENT c/o MARIANNE MITTEN OWEN (OR TO R1)** to the Tippecanoe County Commissioners.

3. **Z-2116—CHARLES R. VAUGHAN, HELEN L. VAUGHAN AND CHARLES R. VAUGHAN IRREVOCABLE TRUST (R1 TO GB):** Petitioners are requesting rezoning of two tracts totaling 14.275 acres located south of SR 38 and east of CR 475 E, Wea 1 (SE) & Wea 12 (NE) 22-4.

Jeff Kessler moved to hear and approve the above-described requests. Kathy Vernon seconded the motion.

Sallie Fahey read the staff report with recommendation of denial.

James Hawley presented slides of the zoning map and boundary survey.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, stated that this area, which is split by a railway, has been zoned R1 since 1965. He said that this is not the proper place for an R1 residential subdivision. He pointed out that immediately adjacent to the south, also owned by the petitioner, is 20 acres already zoned GB. He explained the intent was to combine the areas in the petition with the area already GB and build a spec building to lease out. He presented pictures showing the land is flat. He stated that the neighboring farmer to the east had no objection to this request. He mentioned that the only other call regarding this request was from someone inquiring when sewer and water would be available for her land. He stated that James Hawley's description of the access to this land was accurate. He pointed out that if the two areas are allowed to be combined, the southern portion already has access to CR 350. He presented a picture showing this access. He said that the southern portion was rezoned by the County Commissioners several years ago, which allows several pieces to be combined for a more practical use. He informed the Commission that they had a 1987 plan, but do not have the time and the money to bring

it into the present. He stated that the petitioner is willing to take the risk of putting the building up. He asked for approval.

Mark Hermodson stated that he remembers the struggle in the 1980's on where the industrial area should be located in the County, and the consensus was finally at this location. He mentioned that since then huge tracts of land, adjacent to this property, have been rezoned to industrial and this should have been included in that. He said that it has access to the railroad. He stated that if it were closer to I-65, he could see it GB. He commented that he did not want to see traffic slow down points on 38 East. He stated that he could not support this.

The Commission voted by ballot 2 yes – 10 no to recommend denial of **Z-2116—CHARLES R. VAUGHAN, HELEN L. VAUGHAN AND CHARLES R. VAUGHAN IRREVOCABLE TRUST (R1 TO GB)** to the Tippecanoe County Commissioners.

**NO votes**

Jack Rhoda  
Jan Mills  
KD Benson  
Jeff Kessler  
Stuart Boehning  
David Williams  
Kathy Vernon  
John Knochel  
Karl Rutherford  
Mark Hermodson

**YES votes**

Steve Schreckengast  
Gary Schroeder

Jack Rhoda informed the audience that **Z-2111 – R. GREGG SUTTER (A TO RE) (GRAY MARE SOUTH SUBDIVISION)** has been withdrawn by the petitioner and will not be heard.

4. **Z-2117—DAVID C. KOVICH (VALLEY RIDGE PLANNED DEVELOPMENT) (R1 AND AW TO PDRS):** Petitioner is requesting the rezoning of 17.03 acres for an 11-lot single-family development located on the south side of Eisenhower Road, opposite Buckridge Subdivision, in Fairfield 13 (SE) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read the staff report with recommendation of conditional approval contingent on the following:

1. all sheets (other than the preliminary plat) that make up the approved Preliminary Plan;
2. a final plat, per UZO Appendix B-3-2 as applicable;
3. Post Office and 911 approval of the proposed street name, Hammerhead Court (or substitute);
4. increase the Eisenhower Road right-of-way to meet the rural residential collector standard of 32.5-ft. where necessary; and
5. adequate access easements to serve all lots.

James Hawley presented slides of the zoning map, aerial photo, and two sketch plans.

Daniel Teder, representing the petitioner, stated that the petitioner David Kovich and the project engineer Paul Coutts were present and available to answer any questions. He informed the Commission that the lots would range in size from 1-1.5 acres. He mentioned all of the neighboring developments. He pointed out that the staff report requests a correction in the right-of-way, which will be completed in the final detail plan. He stated that the final detail plans would also include acceleration/deceleration lanes and access easements for each particular lot. He said that the covenants would be revised to reflect the installation of the County road, maintained by the County, except for snow removal, which will be the lot owner's responsibility. He stated that there would be three private roads for lots 1-2-3, 8-9-10 and 4-5-6-7-11. He pointed out that included in the packet is a plat and a landscape plan which shows the conservation easement and tree preservation easements. He mentioned that staff indicated that does make it unique and is very important. He stated that the soils have been passed by the Health Department for septic and

are satisfactory. He said that there was no objection from the adjacent property owners. He concurred with the staff report and asked for approval.

KD Benson commended the conservation easement ideas. She asked for more detail and for confirmation that nothing would be built there.

Daniel Teder stated he understands that additional trees would be planted and the rest of the area preserved.

David Kovich stated with the Soil and Water Conservation District they have put in tall grasses. He stated that there are tree preservation areas, but along the river there were no trees, so the tall grasses were put in.

KD Benson asked if the Wildcat Creek Foundation was in favor of the conservation easements.

Jack Rhoda replied affirmatively. He stated that anything that provides a buffer or runoff is a good thing.

The Commission voted by ballot 12 yes – 0 no to recommend conditional approval of **Z-2117—DAVID C. KOVICH (VALLEY RIDGE PLANNED DEVELOPMENT) (R1 AND AW TO PDRS)** to the Tippecanoe County Commissioners.

5. **Z-2119—TRI-NORTH DEVELOPMENT, LLC, BY JOHN B. SCHEUMANN, MEMBER (BRITTANY CHASE PLANNED DEVELOPMENT) (R2, R3 & GB TO PDRS):**  
 Petitioner is requesting rezoning for a 283-lot single-family development on 63.21 acres. The site is located north of CR 350 S and west of Concord Road, in the City of Lafayette, Wea 10 (NW) 22-4.

Jeff Kessler moved to hear and approve the above-described requests. Kathy Vernon seconded the motion.

Sallie Fahey informed the Commission that a new staff report was presented to them. She mentioned that the question on the railroad right-of-way was answered at a meeting between the staff, the developer, Greater Lafayette Progress Inc. and the City of Lafayette and determined not to be a problem. She read the staff report with recommendation of conditional approval contingent on the following:

Meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section, to include:

1. all sheets (other than the preliminary plat) that make up the approved Preliminary Plan;
2. a final plat, per UZO Appendix B-3-2 as applicable;
3. street names approved by the Post Office and 911; and
4. the agreement with the Daugherty Commerce developer that guarantees the construction of both Osborne and Daugherty Drive to the site boundary shall be recorded.

Sallie Fahey read into the record a letter dated April 15, 2003 from Vicki Mays, Superintendent of the City Parks Department, in favor of this development and its plan to reserve space for a subdivision park. She informed the Commission that there were no slides available for this case.

James Hawley referred to the back page of the revised report for an example of a final layout. He used the petitioner's display to review the proposal.

Joseph T. Bumbleburg stated that the petitioner Derrin Sorenson and the project's engineer, David Ayala, were both present and available to answer any questions. He reiterated that the City Parks Department was in favor of the linear park. He pointed out that last year this piece of property was rezoned from I to R2, in order to provide the developer with some assurance that the land could be used for an economically beneficial purpose. He mentioned that the land use patterns included in the report showed the different types of homes and garages. He said that some of the unique features of this development were the highline that runs along the south boundary, the interesting buffering and a textured pavement

treatment separating the commercial from the residential areas. He stated that there is no vehicular access on the east side, which prevents a mix of entrances and exits into the commercial area. He stressed that there are buffers all around. He said that the conditions were acceptable and asked for approval.

The Commission voted by ballot 12 yes – 0 no to recommend conditional approval of **Z-2119—TRI-NORTH DEVELOPMENT, LLC, BY JOHN B. SCHEUMANN, MEMBER (BRITTANY CHASE PLANNED DEVELOPMENT) (R2, R3 & GB TO PDRS)** to the Lafayette City Council.

6. **Z-2121—BHNR, LLC (AW TO RE):** Petitioner is requesting rezoning of 33.83 acres for a proposed 12-lot rural estate development located on East County Line Road, just north of CR 700 S, Sheffield 25 (SE) 22-3.

Jeff Kessler moved to hear and approve the above-described requests. Kathy Vernon seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

James Hawley presented slides of the zoning map, aerial photo, and two sketch plans.

Paul Coutts, C&S Engineering, 1719 Monon Avenue, Lafayette, IN, stated that this was a very appropriate piece of land for a rural estate subdivision. He referred to the drawing that accompanied the staff report and pointed out the pond at the southern end of the development. He informed the Commission that there will be an outlot to the south of the pond that will be used by the residents for different types of gatherings. He pointed out that Lots 1-6 would have the pond in their back yard. He stated that most of the lots on the west side would be in the woods on a gradual sloping hillside. He said that Lot 12 has 8 acres so that the residents can have horses. He mentioned that neighboring properties to the south are similar in nature and size to the proposed development, which makes the development a good fit for the neighborhood. He reiterated that this is an appropriate RE subdivision and he asked for approval.

Alan Baldwin, 4210 Mayflower Drive, Lafayette, IN, representative of BHNR, stated that he has heard a lot of rumors about the number of lots that are actually going in. He said that there are four families that started this LLC, who are all members of the same church. He explained that the intent was to find a place in the county where their extended families could live and play together on a lot of space. He said that they have spent a lot of time looking for a piece of land that meets the RE requirements with the idea of maximizing the non-tillable and minimizing the tillable. He mentioned that they wanted to stay in Tippecanoe County, and in order to find the right piece of land; they had to go pretty far out. He stated that they chose to have 12 sites in order to have space for other church members or their families to live there. He said that they wanted to be good neighbors and socialize with the adjacent owners. He mentioned that Rich Rutan, who was present, built the pond. He pointed out that this land has been in Mr. Rutan's family for many years and they plan to name the development after the Rutan family.

Pat Morris, 10622 County Line Road East 700 South, Lafayette, IN, stated that his land was adjacent to the proposed development on two sides. He said that the current zoning of this property would allow 5 houses. He pointed out that if there is abnormal development of this land, there would be water problems. He mentioned that one neighbor has already lost a well this year due to water drop. He said that if the pond were going to take all of the storm water, then there would have to be a lot of drainage work done. He pointed out that most of the drainage water would be in the bottom field of his property and enter his land on two sides. He stated that he grew up on this land, has farmed this land and knows the land better than anyone. He said that 5 homes on this land would not be a problem but eventually when they are up to 20 homes, there will have to be major changes to the water system.

James Bray, 10800 County Line Road East 700 South, Lafayette, IN, stated that his concern was for the roads in this area. He explained that there is a very poor road system in this area, they are broken down, do not have a base and there is mud coming up through them. He mentioned that building these homes would cause heavy construction vehicles to frequently travel these roads and wear them down even more. He pointed out that this was very far from fire and police protection.

Mary Jane Gegan, 10830 County Line Road East 700 South, Lafayette, IN, stated that her property runs the entire span of the proposed development, up to the proposed major road, and she will be strongly impacted by this development. She mentioned that there have been a lot of rumors as to the number of homes that were going to be built. She informed the Commission that the latest rumor was that when the required 3 years of having it "stay field" was up, they would be adding more homes, for a total of 25. She concurred with earlier concerns presented by other neighbors. She said that her backyard is also a lane that runs to the pond and all the construction vehicles that have already been out there have created a huge flood and mess. She informed the Commission that there is a water tile on the proposed development that is damaged and causes a great deal of flooding and water problems for everyone in the area. She stated that when she questioned the developers, they replied that this development was their dream. She pointed out that the 7 acres she owns was her dream as well as the other neighbors. She stated that there is not enough communication or knowledge base of the real intent of the developers. She mentioned that this is the very edge of Tippecanoe County and this development will set a precedent for all other agricultural land that is holding the ecology together. She stressed that she is not opposed to the fine people that will live in the development, nor their intent of community building. She said that her personal concern was the pond since it is a part of the view from her home and the gatherings they intend on having there. She questioned if the access would continue to be the little lane that runs through her backyard or will it be redirected to their road. She asked if there would be concerns of safety for the children that she would be responsible for because their land is adjacent to hers. She informed the Commission that she grew up in the country and spent 10 years looking for the perfect piece of land. She said that she owns horses and endorsed the developers desire to have horses in their subdivision. She reiterated that she was concerned about the whole neighborhood situation. She stated that the current residents all look out for each other and know each other well but are still private about their lives. She informed the Commission that this meeting is the first time she has heard any comments from any of the developers, and they have been going through her backyard for months. She suggested that if the developers were looking for a neighborhood environment, they should have looked at everybody's interest and concerns from the start and pulled everyone together as a committee. She stated that the neighbors were not given enough notification time to prepare, discuss or attend. She stated that she is not so much opposed, as concerned.

Marcy Morris 10622 County Line Road East 700 South, Lafayette, IN, thanked the Commission for taking the time to listen to the concerns of the neighbors. She said that it was wonderful that the developers want to honor the Rutan family. She pointed out that the Rutan family also owns land out there and they would be more honored not to have a subdivision. She stated that when she built her home things she considered were the attractiveness of the countryside, the peacefulness, seclusion and abundant wildlife. She pointed out that if she wanted neighbors, she would have built in the city. She said that it never crossed her mind that the new zoning and new laws would allow encroachment of more than 5 homes. She pointed out that the aerial photo proves this is prime farmland, wood acreage and should be preserved. She reiterated that she and her family value their privacy and seclusion. She stated that it is unfortunate that the development of this land is under the control of people who are concerned with money and profit and not neighbors and environment. She asked the Commission to consider some of the other 60 sites in the 3-5 mile radius that can be built on. She asked for denial of the request. She stated that it would be a travesty to allow this land to become a paved, lighted, over populated and over traveled community. She said that it would take away the peacefulness, the privacy, the wildlife and essentially take the country out of the country. She asked for denial or continuance to allow time for other neighbors to understand what is going on.

Taletha Coles, 6928 Countyline Road, Lafayette, IN, stated that she just bought her home in November 2002 because she wanted her children to grow up in the country, like she did. She concurred with all the concerns previously stated. She said that she did not receive a notification regarding this matter and found out about the hearing from the sign posting. She stated that she was concerned with the camping and gatherings around the pond because she did not want people running around her property because she has kids and animals.

Pamela Bray, 10800 East 700 South, Lafayette, IN, stated that all the issues and concerns presented were valid and asked the Commission to take them into consideration. She asked for a continuation in order to allow time for the neighbors to organize. She said that she was also concerned with the animals and trash pick up. She mentioned that all of the current residents are very good about the trash pick up,

but there have been problems in the past, and with the amount of new people coming in, there is much more of a risk of it happening again.

Paul Coutts mentioned that many of the speakers stated that they liked the land they have and that is the same exact reason why the developers want to build this. He stated that they are not building a street that has curb, gutter and sidewalk. He said that this would be a 20-foot private drive. He stated that they were not building the city characteristics of spotlights and neon signs. He informed the Commission that the drainage concern would be brought before the County Drainage Board for approval. He said that the pond was an amenity that would also provide storm drainage. He stated that there is a natural opportunity at the north corner to utilize the ravine for a storm drainage facility. He reiterated that this development would comply with the County drainage requirements and not impact the neighbors. He responded to the concern of density and stated there will be 12 rural estate lots that meet the average requirement of over 2 acres. He stated that there would be 2 other 10-acre tracts that will have single-family homes. He stressed that there will be 14 single-family houses in this development. He informed the Commission that he has been out to the site many times and it is true that not all the County roads are paved. He explained his earlier comment on camping near the pond. He said that this area could be used for a campfire, barbeque, family picnic or fishing. He stressed that he was referring to a community usage, not camping on the outlot. He informed the Commission that trash pick up would be in the subdivision covenants as well as regulations for the types of facilities that are put in there. He stated that the developers want to build a nice place to live and were specifically looking for all the same amenities that the other neighbors spoke about. He said that there are safeguards for the development and it is an appropriate site for an RE development. He asked for approval.

Steve Schreckengast stated that of all the RE proposals that have come before the Commission, this development, location, land layout and size is ideal. He mentioned that no matter where these developments are proposed, there would be some neighbors that are opposed. He said that this looks like a well thought out development, and all subdivisions no matter where they are, impact neighbors.

Jeff Kessler agreed with Steve Schreckengast's comments.

The Commission voted by ballot 11 yes – 1 no to recommend approval of **Z-2121—BHNR, LLC (AW TO RE)** to the Tippecanoe County Commissioners.

**Yes Votes**

Stuart Boehning  
Jan Mills  
KD Benson  
Jeff Kessler  
Gary Schroeder  
Steve Schreckengast  
David Williams  
Kathy Vernon  
John Knochel  
Karl Rutherford  
Mark Hermodson

**No Votes**

Jack Rhoda

C. SUBDIVISIONS

1. **S-3299—KORTY KORNER REPLAT OF LOT 7A (MINOR-SKETCH):**

Petitioner is seeking primary approval of a two-lot replat of existing lot 7A, Korty Korner Subdivision (13.457 acres), located at the southeast corner of SR 26 E and Creasy Lane, Lafayette, Fairfield 26 (NE) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

*Stuart Boehning left the room because of a conflict of interest.*

Sallie Fahey read the staff report with recommendation of conditional primary approval contingent on the following conditions:



**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrances, a "No Vehicular Access" statement shall be platted along the SR 26 E right-of-way line.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The street addresses and County Auditor's Key Number shall be shown.
5. On-site and off-site easements satisfactory to all non-governmental utilities (Vectren, Verizon, Insight Communications and Cinergy PSI) to serve Lots 7A and 7C must be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

James Hawley presented slides of the zoning map, aerial photo and sketch plan.

Jim Butcher, Ticen Surveying, North 3<sup>rd</sup> Street, Lafayette, IN, agreed with the conditions and asked for approval.

The Commission voted by ballot 11 yes – 0 no for conditional approval of **S-3299—KORTY KORNER REPLAT OF LOT 7A (MINOR-SKETCH)**.

*Stuart Boehning returned to the room.*

2. **S-3301—HAWTHORNE LAKES (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval for a 178-lot (plus 2 outlots) single-family subdivision on 43.41 acres. The site is located on the east side of CR 550 E, approximately 1/4 mile south of CR 50 S, in Perry 30 (SE) 23-3.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey pointed out that this site borders a potential site for a TSC school and the YMCA, therefore two outlots have been platted to allow pedestrian and bike access between them. She read the staff report with recommendation of conditional primary approval contingent on the following conditions:

1. The Post Office and 911 shall approve the street names prior to inclusion in the construction plans and the final plat.

**CONSTRUCTION PLANS** – The following items shall be part of the Construction Plans application and approval:

2. The Lafayette City Engineer shall approve the sanitary sewer and water plans.
3. The fire hydrants shall be approved by the Sheffield Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the Lafayette City Engineer in cooperation with the Fire Department.
4. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
6. The County Drainage Board shall approve the drainage plans.
6. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

7. "No Vehicular Access" statements shall be platted along CR 550 E, McCarty Lane extension, and the entrance street right-of-way lines, as shown on the preliminary plat.
8. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the

- necessary right-of-way.
9. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
  10. All building setbacks shall be platted. The nonstandard front setbacks shall be clearly dimensioned on each lot.
  11. The street addresses and County Auditor's Key Number shall be shown.
- SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:
12. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
  13. The purpose, ownership and maintenance of the outlots shall be specified.
  14. The nonstandard front setbacks shall be specified for each affected lot.

James Hawley presented slides of the zoning map, aerial photo and sketch plan.

Joseph T. Bumbleburg stated that this is a piece of ground that the Commission has been working with for 5 years. He said that this is another phase of a long-term plan that has already been disclosed to the Commission, so there should be no surprises. He mentioned that the great thing about this development is that the interface between TSC, the YMCA and the developer has worked well for the benefit of the community. He concurred with the conditions of the staff report. He mentioned that there were no variances and asked for approval

Jan Mills asked if there would be sidewalks along these streets.

Joseph T. Bumbleburg replied yes.

KD Benson asked if the 35 acres that TSC owned was going to be used as an elementary, middle or high school.

Derrin Sorenson stated that TSC actually owned 80 acres.

KD Benson stated that with 80 acres it would most likely be a high school.

Jan Mills commended the use of the outlots to access the schools and YMCA.

KD Benson mentioned that one of the problems with McCutchen School is that the student parking is overwhelming the neighborhood. She suggested informing all the homeowners of the new development of the potential for a new school on the adjacent property.

Derrin Sorenson explained the origin of the name "Hawthorne Lakes".

The Commission voted by ballot 12 yes – 0 no for conditional approval of **S-3301—HAWTHORNE LAKES (MAJOR-PRELIMINARY).**

The commission voted by ballot 12 yes to 0 no to permit bonding.

3. **S-3302—COOK BIOTECH SUBDIVISION (MINOR-SKETCH):** Petitioner is seeking primary approval to replat three Purdue Research Park lots into one 6.841-acre lot. The site is located at the southwest corner of Kent Avenue and Innovation Place, in the City of West Lafayette, Wabash 1 (SE) 23-5.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read the staff report with recommendation of conditional primary approval contingent on the following conditions:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. A "No Vehicular Access" statement shall be platted along the US 52 right-of-way line.
2. All existing easements, covenants or restrictions shall be shown and referenced with the

- corresponding recording information (Document Number and date recorded).
- 3. The recorded easement vacation ordinance document number of the approved easement vacation must be noted.
- 4. The 20' wide bufferyard Type "B" must be shown along the west property line where the site abuts GB zoning.
- 5. All required building setbacks shall be platted.
- 6. The street address and County Auditor's Key Number shall be shown.
- SUBDIVISION COVENANTS** – The following item shall be part of the subdivision covenants:
- 7. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

James Hawley presented slides of the zoning map, aerial photo and sketch plan. He mentioned that the easement vacation process is currently underway.

Joseph T. Bumbleburg stated that the petitioner and the engineer were present to answer any questions. He reiterated that getting the easement vacated is underway with the City of West Lafayette. He requested approval.

Jan Mills commented that the City of West Lafayette and the Purdue Research Park were both excited about this expansion.

Mark Hermodson asked why this was a minor and not a plat vacation.

Sallie Fahey stated that a plat vacation makes more sense in an area where there is not a reason to have a platted subdivision anymore. This is a growing part of West Lafayette and should be platted land.

James Hawley stated that a plat vacation could have possibly removed the restrictive covenants from this land.

The Commission voted by ballot 12 yes – 0 no for conditional approval of **S-3302—COOK BIOTECH SUBDIVISION (MINOR-SKETCH).**

- 4. **S-3305—McCOOL MINOR SUBDIVISION (MINOR-SKETCH):**  
Petitioners are seeking primary approval for a 2-lot subdivision on 10.0 acres, located on the south side of CR 800 S, approximately 1/2 mile east of Concord Road, in Lauramie 2 (NE) 21-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read the staff report with recommendation of conditional primary approval contingent on the following conditions:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

- 1. Except for the approved entrance on Outlot 1, and the two existing drives on Lot 2, a "No Vehicular Access" statement shall be platted along the CR 800 S right-of-way line.
- 2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
- 3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
- 4. All required building setbacks shall be platted.
- 5. The street addresses and County Auditor's Key Number shall be shown.
- SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:
- 6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
- 7. A restriction stating that Outlot 1 is not for residential use must be included

James Hawley presented slides of the zoning map, aerial photo and sketch plan.

Roger Fine, John Fisher & Associates, 625 south Earl Avenue, Lafayette, IN, concurred with the staff report and asked for approval.

The Commission voted by ballot 12 yes – 0 no for conditional approval of **S-3305—McCOOL MINOR SUBDIVISION (MINOR-SKETCH).**

## **V. ADMINISTRATIVE MATTERS**

Sallie Fahey informed the Commission that she attended the American Planning Association Conference from March 29- April 2, 2003, in Denver CO. She stated that this was the best APA conference she has attended. She said that all the information presented was very useful. She mentioned that the Plan Commission paid for the conference fee, and she absorbed all other expenses personally. She reviewed the range of topics that she attended, including: public relations and marketing for planning agencies; better supervising and coaching; youth as partners for smart growth (contained aspects applicable to the Wabash Township land use planning process); international planning-poverty reduction in the developing world; the future of American planning; smart growth education (obtained an interactive CD Rom used to educate the public) and "Too Much Parking". She mentioned that the workshop on parking included a review of surveys done at large stores, which concluded that they only used 24% of the parking spaces, even during the busiest time of year. She stated that it would be interesting to conduct that type of survey here.

Jan Mills stated that the City of West Lafayette was discussing the possibility of conducting a similar survey.

Sallie Fahey stated that the survey also included the opinion that plan commissions should consider maximum parking levels. She said that there is a national mentality among chain stores that says, "they want more parking than is required so that customers think there is room in the store." She mentioned some additional workshops that she attended: politics of planning; managing your message and landscaping and security. She stated that she brought back the CDs that FEMA is producing for disaster mitigation planning.

Karl Rutherford asked if she had visited any of the neighborhoods while she was in Denver.

Sallie Fahey replied no. She stated that there were a number of mobile workshops, but the budget did not allow for them.

Jeff Kessler informed Sallie Fahey that the Commission appreciated her dedication and wished they could have paid for everything on the trip.

## **VI. APPROVAL OF THE MAY 2003 EXECUTIVE COMMITTEE AGENDA**

Jeff Kessler moved that the following subdivision petitions be placed on the May 7, 2003 Executive Committee Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

**RE-0008-MEADOWGATE ESTATES SUBDIVISION (RURAL ESTATE-PRELIMINARY PLAT)**

**S-3300-BURKHALTER ADDITION (MINOR-SKETCH)**

**S-3310-RUNNING DEER SUBDIVISION (MINOR-SKETCH)**

Kathy Vernon seconded and the motion carried by voice vote.

## **VII. DETERMINATION OF VARIANCES – Area Board of Zoning Appeals**

*None*

## **VIII. DIRECTOR'S REPORT**

James Hawley updated the Commission on the search for a new Executive Director. He informed them that the next work session to discuss this topic was scheduled for April 30, 2003 at 4 P.M. He stated that for that meeting he would have an extensive addition to the job duties and a synopsis proposal of the advertisement. He said that the estimated date for placing the advertisement was June 1, 2003. He mentioned that in the next set of minutes there is an out line

of the schedule as proposed at the last work session. He stated that the next Ordinance Committee meeting was scheduled for April 22, 2003.

Jack Rhoda stated the next work session on efficiency was scheduled for May 22, 2003 at 4:30 pm.

Steve Schreckengast questioned the reason behind the continuance of **Z-2120—MATT SUTTER (GB TO CB)**. He mentioned that he could not recall a failure to notify the APC, as a reason for continuance.

James Hawley stated that this was the first time this has happened.

Steve Schreckengast asked for confirmation that this was a normal procedure.

James Hawley stated that it was required as per the Commission's amendment to the bylaws, in order to ensure the letters were sent.

Sallie Fahey informed the Commission that Matt Sutter was aware of the mistake early on and informed staff of it himself.

Steve Schreckengast asked if this amendment was done in the last couple of years.

Karl Rutherford stated that it was 2 or 3 years ago.

James Hawley explained the reasoning behind the amendment was to have a back up of proof.

KD Benson stated that she and Jan Mills would like to thank the staff for implementing some of the efficiency ideas already, by not reading all of the conditions.

Several members agreed.

KD Benson asked Sallie Fahey to provide her with some of the conference information.

#### **IX. CITIZENS' COMMENTS AND GRIEVANCES**

*None*

#### **X. ADJOURNMENT**

Jeff Kessler moved for adjournment. Kathy Vernon seconded and the motion carried by voice vote.

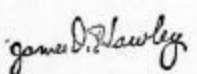
The meeting was adjourned at 9:00 P.M.

Respectfully submitted,



Michelle D'Andrea  
Recording Secretary

Reviewed by,



James D. Hawley  
Executive Director

